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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)	No. 4-11-70780-MAG
)	No. 4-11-70781-MAG
14 Plaintiff,)	
)	STIPULATION AND ORDER TO
15 v.)	CONTINUE STATUS CONFERENCE
)	AND EXCLUDE TIME UNDER THE
16 EDUARD ARAKELYAN, and)	SPEEDY TRIAL ACT
ARMAN VARDANYAN,)	
)	
17 Defendants.)	

18
19 IT IS HEREBY STIPULATED AND AGREED between the plaintiff through its
20 attorney, Joshua Hill, and the defendants through their undersigned attorneys, Leo Fasen and
21 Jerry Kaplan, that the preliminary hearing or arraignment presently set for September 23, 2011,
22 be continued to October 24, 2011 at 9:30 a.m. Defense counsel requires additional time to
23 review the produced discovery and conduct necessary investigation. In addition, Mr. Kaplan
24 will be unavailable for most of October. The parties agree that the delay is not attributable to
25 lack of diligent preparation on the part of the attorney for the government or defense counsel.
26 For these reasons, the parties request that time under the Speedy Trial Act be excluded based on
27 the defense's need for reasonable time necessary for effective preparation, taking into account
28 the exercise of due diligence. Defendant also agrees to waive the timing of a preliminary

STIPULATION AND ORDER
No. 4-11-70780-MAG & 4-11-70781-MAG

1 hearing or indictment under 18 U.S.C. § 3161(b) and Federal Rule of Criminal Procedure 5.1.
2 The parties agree that the waiver covers all time between the date of this stipulation and October
3 24, 2011.

4 IT IS SO STIPULATED:

5 Dated: September 21, 2011

/S/
JERRY KAPLAN
Attorney for Defendant Vardanyan

7 Dated: September 21, 2011

/S/
LEO FASEN
Attorney for Defendant Arakelyan

10 Dated: September 21, 2011

/S/
JOSHUA HILL
Assistant United States Attorney

13 **ORDER**

14
15 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the hearing in this
16 matter now scheduled for September 23, 2011 is hereby rescheduled for October 24, 2011 at
17 9:30 a.m. before Magistrate Judge Laurel Beeler. Based upon the representation of counsel and
18 for good cause shown, the Court also finds that failing to exclude the time between September
19 21, 2011 and October 24, 2011 would unreasonably deny the defense the reasonable time
20 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.
21 § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the
22 time between September 21, 2011 and October 24, 2011 from computation under the Speedy
23 Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore,
24 it is hereby ordered that the time between September 21, 2011 and October 24, 2011 shall be
25 excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and
26 (B)(iv). In addition, upon consent of defendant, the timing of a preliminary hearing or
27 indictment is waived pursuant to 18 U.S.C. § 3161(b) and

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3 Federal Rule of Criminal Procedure 5.1. The waiver covers all time between September 21,
4 2011 and October 24, 2011.

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6 DATED: September 22, 2011



HONORABLE DONNA M. RYU
United States Magistrate Judge